Previous references.

1903-04

(Courts)

File No. 80 of 03

Serial Nos. 164

Later references.

Legis 6-09

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 164

Part B. for

SUBJECT.

Proposal to make the higher classes of appeals Civil and Criminal lie direct to the Chief Court—

Table of Contents

Sl No 1. Do of 28-4-04 To Resident Ch Court Requesting the expediting the memo- randum re the higher classes of appeals to the Chief Court—

Sl No 2. Do of 11-5-04. From the Resident Ch Court Seeking to be furnished with papers regarding the objections re the appeal-

Sl No 3. Do. of 18-5-04. To the Resident Ch Court Forwarding the collection of original papers

Sl No 4. Do. 30-6-04 From the Resident Ch Court Stating the question may be con- sulted with the Successor of the Chief Justice Hon. Rama Chandra Iyer as he will soon resign his appointment

G. R. S. 58

Office Rule 1

Branch - Judicial -

Subject -

Investing the Chief Court with the power to entertain all the higher classes of appeals throughout the State, both Civil and Criminal, above a limit to be fixed under Statutory authority

3
You please - Meaps also on the subject -

Yours sincerely

7-2-04 -

Subd to the Dewan for approval
17/2/04

Shown W II 2 to ecir
e-pos-spri

Recd
21.2.04

Subd to 2d/r
23/2/04

C.243
23-2-04

Reg[n] sent.
18.3.07

Please see the portions I have marked in Red pencil of Linked file J 12 of 1904. The proposal is so far as Criminal appeals were concerned did not find favour at the Conference of the Members. Ramachendra Iyer was in favour of Civil appeals - If however both Civil & Criminal appeals are now intended to be brought under consideration this Office will do - Otherwise it may be restricted to Civil appeals -

24/2/04

24/2/04

X The Dewan's note of 11-2-04 specially contemplates Criminal appeals.
24.2.04

Draft of a D.O.
to Dewan Bahadur
A. Ramachandra Iyer Esqre
Chief Judge.

Bangalore
Dec 1903

My dear Sir,

You may recollect that at the Conference held in October 1902 to discuss various questions relating to the remodelling of the judicial Dept it was proposed by yourself and the other Judges of the Chief Court that the higher classes of appeals throughout the State, both civil and criminal above a limit to be fixed ~~by~~ under Statute by authority might be made to lie direct to the Chief Court. In order to enable Govt to take the needful legislative action, you ~~were~~ kindly undertook to prepare & send a memorandum showing in detail the nature of the proposed change, the reasons which, and the alterations required in the existing Laws to effect the same. I am directed by ~~the date~~ I request you kindly furnish the [redacted] in question, after con-

Vide Regd A/c
Letter Book

Memo received
in Secretariat
15959
18.2.04.

Revised to the Division
with the 2nd/3rd/4th remarks.

24/2/04

16087
25.2.04

Matter reserved for
further consideration -
So the draft may so
& it is open to us to file
any counter yet

26.2.04

Done draft under ffs Sec 9: as proposed
29.2.04

Done 28/3/04

The Registrar's reply to the above
is attached

Draft D.O. forwarding the available papers on the subject is submitted for appr

16/4/04

16/4

Draft D.O 1

Bangalore
23
28th April 1902.

Serial No 1

D.O. draft dt. 28/April

Dear Mr. Rajaratnam Mudr.

Please ~~[illegible]~~ refer ~~[illegible]~~ to the offr. ~~[illegible]~~ Mr. Ananda Swami Mudr's D.O. of the Chief Judge, dated the 3rd March last, ~~[illegible]~~ therein requesting that ~~[illegible]~~ Chief Judge ~~[illegible]~~ last ~~[illegible]~~ may be pleased to furnished ~~[illegible]~~ with ~~[illegible]~~, a memorandum, which he ~~[illegible]~~ at a Conference held in ~~[illegible]~~ on the 2nd March ~~[illegible]~~ 1902, ~~[illegible]~~ to make the higher class of appeals, both Civil and Criminal, above a limit to be fixed under Statutory authority

he

Direct to the Chief
[illegible]: I am ~~[illegible]~~ to
call Neal
~~[illegible] the favor of~~
~~[illegible] obtaining~~ from
~~[illegible] forwarding~~ the memo-
randum in question
~~[illegible]~~ may [illegible] be [illegible]
~~[illegible] of this date as~~
~~[illegible]~~ possible.

Yours sincerely,

J. Edgar Hoover

23/4/[illegible]

Serial No 2

Refer
(Please may the papers be sent for the Legislative Dept. with the Government Advocate's opinion
11-5-04

J 1699

Bangalore
11th May 1904

Dear Mr. Chandrasekhara Iyer,

Yours of the 26th ultimo.

I am desired to say that the recommendation to invest the Chief Court with power to entertain appeals in important cases directly from Munsiffs and Magistrates was made by the late Chief Justice 7 or 8 years ago. The present C. J. understood that it was accepted by Govt,

Secret No 2

5

for when a meeting of the Council was held in Sir Seshadri Iyer's house he requested the C.J. in the presence of Sir Krishnamachi & the present first Councillor and other gentlemen to prepare a draft notification. To the best of Mr. Justice Ramachandra Iyer's recollection he prepared a notification and delivered it to you. Since the question was shelved he presumes that weighty objections were urged against the recommendation. He wishes to be informed of the nature of the objections and to be furnished with copies of minutes and proceedings, if any.

Yours Sincerely
S. Rajagopalachariar

Despatched 18/5/04.

Draft D.O.

Dear Mr Rajaratnam Mudr.,

With reference to your D.O. letter dated the 11th May 1904 requesting to be furnished with copies of the minutes and proceedings of Govt, if any, in connection with the recommendation of the Chief Court to invest that Court with power to entertain appeals in important cases directly from Munsiffs and Magistrates, I am desired to forward herewith in original a collection of the available papers on the subject with a request that the same may be kindly returned when no longer required.

Yours sincerely

W. Duff

Letter received 18.5.04

Simla No. 3

"Copy"

Bangalore
30th June 1904.

Serial No 4

My dear Sir,

The Chief Judge has desired me to intimate to you that he has two references made by Government pending before him for a long time — one relating to the Small Cause Courts Bill and the other about empowering Chief Court to receive appeals directly from Munsiffs and 1st class Magistrates in all important cases. He could have answered the references at an early date, but as the questions affect the constitution and powers of the Chief Court and Subordinate Courts and as he made up his mind 4 or 5 months ago to resign his appt. he thought it his duty to reserve the questions for the consideration of his successor who would be responsible for the working of the Dept. during the next 5 or 6 years. He will submit his views to the new C. J. and request him to communicate officially the final opinion of the Court.

I remain, &c

(Sd.) V. A. Raja Gopalachariar

To

B. K. Venkatanarasimhiengar, Esq
Secy to Govt.